

REMARKS

Claims 1-4 and 7-17 were pending previously and stand rejected in the subject patent application. Claims 5 and 6 and 19-24 had been withdrawn from consideration as being directed to a provisionally non-elected species of the present invention. Claims 18 was previously cancelled.

In response to the final office action, applicants are submitting herewith a Request for Continued Examination. This document amends independent claims 1 and 14, cancels claims 4, 16 and 19-24, and adds new claims 25-27. Thus after entry of this amendment, claims 1-3 and 7-17 and 25-27 will be active, with claims 5 and 6 provisionally withdrawn from consideration.

Claims 1,2, 7-10 and 14 were rejected under 35 U.S.C. §102 as anticipated by De Bie.

The present invention relates to a plumbing fixture for washing objects which, for example as shown in Figures 12-14, comprises a body 132 having a first work surface 135. A drain opening 138 in the first work surface 135 can be connected by a coupling 140 to the building sewer system. A platform 136 is removably positioned on the first work surface 135 and unfastened to the body 132. Amended claim 1 now specifies that fluid flows unimpeded off the perimeter of the second work surface onto the first work surface. Independent claim 14 has been amended in a similar manner to claim 1 and further states that both the first and second work surfaces have identical geometrically shaped perimeters.

The rejection contends that the De Bie patent teaches a platform 10 in which any of the upper surfaces correspond to the second work surface in the pending claims. The patent's platform 10 is formed by two sections, a solid tray 11 and a right-hand rack with a

plurality of slots 28. The tray 11 does not qualify as the claimed second work surface, as the walls 17 around its four sides prevents fluid from flowing unimpeded off the perimeter of that surface. Instead, this tray 11 has a drain opening 18 through which the water flows onto the first work surface 14. Therefore the tray 11 does not meet the structural definition of the second work surface in the pending claims.

Similarly, the De Bie rack portion also does not correspond to the claimed second work surface. The rack is formed by a sheet of material that is an extension of the side wall 17 of the tray 11 and is bent in a zigzag configuration shown in Figure 1 of the patent in order to provide upstanding sections to support dishes placed within the slots 28 cut in the sheet of material. Most of the surfaces 21, 22, 24, 26 and 27 are bounded by adjacent sections of the sheet which act as walls that prevent (impede) water from flowing off those surfaces. Even the uppermost rack section 23 does not enable water to flow unimpeded off of its perimeter onto the sink's first work surface 14. With reference to Figure 1, water flowing off the right or left edge of the perimeter of the uppermost section 23 strikes the respective section 22 or 26 immediately beneath those edges, thus impeding the flow of fluid from section 23 onto the first work surface 14.

Furthermore, claim 14 further specifies that both the first and second work surfaces have identical geometric shapes. The first work surface is a rectangular whereas the surfaces of the various portions 21-27 of the rack have a series of elongated strip surfaces that are significantly different than the first work surface 14.

Therefore the amendment distinguishes the structure of the claimed second work surface from all the surfaces of the De Bie dish rack and tray. As a result, claims 1, 2, 7-10 and 14 are not anticipated under 35 U.S.C. §102.

Claims 10 and 11 were rejected under 35 U.S.C. §103 as being unpatentable over De Bie in view of Hennessy.

First of all, Hennessy does not teach any type of platform that is removably positioned on the first work surface and thus dependent claims 10 and 11 also are patentable for the reasons stated above with respect to their [parent claim 1.

Furthermore, it is unlikely that one skilled in the art would incorporate the laminar flow spout 175' of Hennessy with the sink shown in De Bie. Note that Hennessy teaches placement of the spout in one of the sink side walls. That placement of a spout in the De Bie sink 14 would project water onto the plates placed in the rack section for drying. In addition, that laminar flow spout would fill the dish pan 16 placed on the tray. Whereas the Hennessy laminar flow spout might be useful in certain types of sinks, it would not be useful with the sink and platform disclosed in De Bie.

Therefore, a skilled artisan would not find it obvious to utilize the Hennessy spout with the De Bie sink. Even if one did combine those elements, that still would not teach the fundamental structure recited in claim 1.

Claims 1-4, 7-8 and 14-16 are rejected under 35 U.S.C. §102 as anticipated by Clow.

The present invention states that the platform is removably positioned on the first work surface and unfastened to the body. What the Office Action has cited as being the platform b'' is not positioned on the first work surface A'' which has the drain opening, but instead is positioned on an island that is raised off the first work surface A'' by central vertical walls b. In fact, that island has a horizontal subsurface joined to the central vertical walls on which subsurface the alleged platform rests. The rejection takes the untenable

position that the central vertical walls b are part of the first work surface A'' in Clow in order to contend that the platform b'' is on the first work surface . If one accepts that definition of the first work surface then the outer walls A also are part of the first work surface. In that case the reference device does not have a first work surface surrounded by an upstanding wall structure as stated in claims 1 and 14. Either the inner and outer walls are both part of the first work surface or they both are not. The rejection can not selectively include one wall and not the other as the same logic applied to both. Whichever position is taken results in either the Clow platform b'' not being positioned on the first work surface or Clow's first work surface not being surrounded by an upstanding wall structure.

Also The central platform in Clow is fastened by screws to the island and thus to the body of the sink, contrary to the presently claimed removable platform. That island surface is not removable as its portions are integral with the first work surface. As a consequence, the Clow patent does not teach the platform as recited in claims 1 and 14.

Furthermore, independent claims 1 and 14 specify a washing apparatus having a platform that is not only removably positioned on the first work surface but is unfastened to the body. The Office Action contends that Clow meets that latter structural limitation in that "at least for a period of time, in which [platform] b'' is placed on [island] B and not secure by screws However, that period of time occurs during the manufacturing process and the device is not a washing apparatus until that manufacturing is complete, i.e., the screws are inserted to secure platform b'' to the upper surface of the island. In fact the sewer coupling may not be placed into Clow's drain opening until after the platform is secured. Therefore, the Clow patent does not teach a "washing apparatus" having a removable platform that is unfastened to the body.

With respect to dependent claims 3 and 15, Clow does not teach a washing apparatus with first and second work surfaces that have elliptical perimeters. The first surface having the drain openings and the surface of the island are both oval-shaped, that is rectangular with rounded corners.

With respect to claims 7, 8 and 17, nothing in Clow teaches the platform having a plurality of supports which raise the second work surface from the first work surface or the plurality of legs that performs that function. The walls b raise the center island are integral part of the body along with the first work surface A". Nothing on the reference's platform b" provides a plurality of supports or plurality of legs that anticipates claims 7 and 8.

For these reasons claims are not anticipated by Clow under 35 U.S.C. §102.

Claim 17 was rejected under 35 U.S.C. §103 as being unpatentable over Clow in view of De Bie.

The Office Action has provided absolutely no suggestion in the cited art as to why or how one skilled in the art would combine the top plate b" that is secured to the center island of the sink in Clow onto the removable dishwashing apparatus as in De Bie. Note that De Bie already has a tray at the right side with wall 17 there around the directs water toward a drain opening with a strained 18. Replacing the Clow walled tray with a De Bie platform would eliminate the benefit stated in Clow of the strainer trapping particles removed from the dishes (page 2, lines 84-93). In order to support a conclusion that a claimed combination is obvious, the references must either impliedly or expressly suggest the selection of the various elements in that combination *Uniroyal Inc. v. Rudkin-Wiley*, 837 F.2d 1044, 5 U.S.P.Q.2d 1434 (Fed. Cir. 1988); *Ashland Oil Inc. v. Delta Resins &*

Refractories Inc., 776 F.2d 281, 227 USPQ 657 (Fed. Cir. 1985). The Office Action has failed to do so, and thus has not made a *prima facie* case of obviousness.

The rejection has not proven Claim 17 to be unpatentable under 35 U.S.C. §103.

Claims 12 and 13 stand rejected under 35 U.S.C. §103 as being unpatentable over Clow in view of Bogusz.

These claims have been amended to state that the bowl is removably positionable on the second work surface with reference to the first work surface being deleted. Although it may be obvious to provide a dishwashing aide in Bogusz over the drain opening of a sink, as shown in its Figure 2, it would not be obvious to utilize such a device on the second work surface. Note that claim 12 recites that the bowl has a sealing means that engages the second work surface to inhibit flow of fluid outward from the bowl. The dishwashing aide device in Bogusz is intended as providing a funnel through which dishes can be cleaned with the debris going directly to the drain, while water is held in the sink around the device. Therefore unlike the present claimed device, the Bogusz funnel is not intended to hold water, and thus does not teach inhibition of the flow of fluid outward from a bowl. As a consequence, nothing in the combined references suggests the use of the dishwashing aide device on a second work surface.

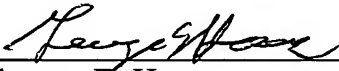
Even with the combination of the dishwashing drain funnel in Bogusz, nothing suggests the fundamental structure of the washing apparatus recited in claim 1 for the reasons discussed previously with respect to Clow. Therefore, nothing suggests nor renders the structure of claims 12 and 13 obvious under 35 U.S.C. §103.

Conclusion

In view of these distinctions between the subject matter of the present claims and teachings of the cited patents, reconsideration and allowance of the present application are requested.

Respectfully submitted,
James M. Piatt, *et al.*

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By: 
George E. Haas
Registration No. 27,642

Quarles & Brady LLP
411 E. Wisconsin Avenue Suite 2040
Milwaukee, WI 53202-4497
Telephone (414) 277-5751

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